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## COMMERCE & TRANSPORT (TRANSPORT) DEPARTMENT

### NOTIFICATION

The 3rd January, 2022

No. 45-TRN-FE-MISC-0044-2017/T.— In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and in supersession of all rules framed, instructions or orders issued in this respect except as respect things done or omitted to be done before such supersession, the Governor of Odisha hereby makes the following rules to regulate the method of recruitment and conditions of service of persons appointed to the Odisha Transport Services, namely:—

### PART-I

#### (General)

**1. Short title and commencement.—** (1) These rules may be called the Odisha Transport Service (Method of Recruitment and Conditions of Services) Rules, 2021.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

**2. Definitions. —** (1) in these rules, unless the context otherwise requires—

- a. "Commission" means Odisha Public Service Commission ;
- b. "Committee" means Departmental Promotion Committee constituted under rule 7;
- c. "Department" means the Commerce & Transport (Transport) Department;
- d. "Ex-Servicemen" means persons as defined in the Odisha Ex-Servicemen (Recruitment to State Civil services and posts) Rules, 1985;
- e. "Government" means the Government in Transport Department;

- f. "Person with Disabilities" means persons who would have been granted with disability certificate by the Competent Authority as per the provisions of Rights of Persons with Disability Act, 2016(49 of 2016);
- g. "Scheduled Castes and Scheduled Tribes" shall have reference to the Scheduled Castes and Scheduled Tribes specified in the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribe) Order, 1950, as the case may be, made under Articles 341 and 342 of the Constitution of India, respectively ;
- h. "Socially and Educationally Backward classes" means the Socially and Educationally Backward classes of citizens other than Schedule Castes and Scheduled Tribes as may be specified by the State Commission for backward Classes Act, 1993 (Odisha Act 16 of 1993);
- i. "Service" means the Odisha Transport Service;
- j. "Sportsperson" refers to persons who hold the Identity card as sportsmen issued by the Director of Sports, as per Resolution No.24808/Gen. dated the 18th November, 1985 of General Administration Department; and
- k. "Year" means the Calendar Year.

(2) All other words and expressions used in these rules but not specific, defined shall, unless the context otherwise require, have the same meaning as respectively assigned to them in the Odisha Service Code.

**3. Constitution of Service.—** The service shall consist of the following posts, namely:—

- a. Assistant Regional Transport Officer;
- b. Additional Regional Transport Officer (General);
- c. Regional Transport Officer (General);
- d. Deputy Commissioner Transport (Taxation, Revenue Recovery and Audit)

## **PART-II**

### **(Recruitment)**

**4. Methods of Recruitment.—** (1) Subject to other provisions of these rules, recruitment to the posts of Assistant Regional Transport Officer in the service shall be made by way of direct recruitment through combined competitive Recruitment Examination conducted by the Commission in accordance

with the Odisha Civil Services (Combined Competitive Recruitment Examination) Rules, 1991

(2) The number of posts to be filled up during a year shall be decided by the Government taking into consideration the effective cadre management, and administrative convenience.

(3) The post of Additional Regional Transport Officer and Regional Transport Officer and Deputy Commissioner Transport (Taxation, Revenue Recovery and Audit) in the service shall be filled up by way of promotion from among the persons holding the posts of Assistant Regional Transport Officer, Additional Regional Transport Officer and Regional Transport Officer respectively.

**5. Reservation.—** Notwithstanding anything contained in these rules reservation of vacancies or posts, as the case may be, for the candidates belonging to, -

- i. Scheduled Castes and Scheduled Tribes shall be made in accordance with the provisions of the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder; and
- ii. SEBC, women, sportspersons, Ex-servicemen and Persons with Disabilities shall be made in accordance with the provisions made under such Act, Rules, Orders or Instructions issued in this behalf by the Government from time to time.

### **PART-III** **(Promotion)**

**6. Eligibility criteria for Promotion:—** (1) No Assistant Regional Transport Officers shall be eligible for promotion to the rank of Additional Regional Transport Officer (General) unless he/she has completed at least 8 (Eight) years of continuous service as such and has passed Departmental Examination and undergone Training as may be decided by the Appointing Authority from time to time as on the 1st day of January in which the Committee meets.

(2) No Additional Regional Transport Officers shall be eligible for promotion to the rank of Regional Transport Officers (General) unless he/she has completed at least 5 (Five) years of continuous service as such as on the 1st day of January in which the Committee meets.

(3) Promotion to the post of Deputy Commissioner Transport(Taxation, Revenue Recovery and Audit) shall be made from amongst the Regional Transport Officers(General) on the basis of merit and suitability with due regard to seniority.

**7. Constitution of Committee:-** (1) There shall be Constituted a Departmental Promotion Committee consisting of the following members, to consider the cases for promotion to the post of Additional Regional Transport Officer(General), Regional Transport Officers(General) and Deputy Commissioner Transport(Taxation, Revenue Recovery and Audit) namely:—

- i. Secretary to Government,  
Commerce & Transport (Transport) Department.....Chairman.
- ii. Transport Commissioner.....Member
- iii. Additional Secretary to Government  
or Joint Secretary to Government ,  
Commerce & Transport (Transport)  
Department in charge of Field Establishment Section.....Member
- iv. Deputy Secretary to Government/  
Under Secretary to Government  
Commerce & Transport (Transport)  
Department in charge of  
Field Establishment Section ..... Member Convener

(2) The recommendation of the Committee shall be valid and can be operated upon notwithstanding the absence of any one of its members other than the Chairman:

Provided that the member so absenting was duly invited to attend the meeting of the Committee and the majority of members of the Committee attended the meeting.

**8. Procedure for Selection by the Committee.—** (1) The Committee shall meet at least once in a year preferably in the month of January to prepare a list of officers suitable for promotion to the next higher grade taking into account the existing vacancies and the anticipated vacancies of the year.

(2) The Committee while considering the promotion cases of suitable officers and preparation of the list shall follow the provisions of, —

- a. the Odisha Reservation of Vacancies in Posts and Services (for Scheduled Castes and Scheduled Tribes) Act, 1975 and the rules made thereunder:
- b. the Odisha Civil Service (Zone of Consideration for Promotion) Rules, 1988:
- c. the Odisha Civil Service (Criteria for Promotion) Rules. 1992, and

- d. the Odisha Civil Services(Criteria for Selection for Appointment including Promotion) Rules, 2003.

**9.Consultation with the Commission.—** (1) The recommendations of the Committees constituted under sub-rule (2) of rule 7 shall be referred to the Commission through the Government for concurrence along with the list of all eligible candidates in order of merit including those who have not been recommended together with the service particulars and other records.

(2) The Commission shall consider the list along with the service particulars under sub-rule (1) and shall furnish its recommendations to the Government.

**10. Select List,-**(1) The recommendations of the commission in respect of reference made to it under sub-rule (2) of rule-7 shall be placed before the Government for approval and after being approved by Government shall form the select list.

(2) The list referred to under sub-rule (1) shall ordinarily be in force for a period of one year from the date of its approval by the Government or until another select list is prepared, whichever is earlier.

(3) Appointment to the service by promotion shall be made in order in which the names of the persons appear in the select list.

(4) Appointment to the service by direct recruitment shall be made in the order in which the names of the persons appear in the merit list furnished by the Commission.

## **PART-IV**

### **(Other conditions of service)**

**11. Probation and Confirmation-** (1) Every person appointed to the service by direct recruitment shall be on probation for a period of two years and when appointed on promotion shall be on probation for a period of one year from the date of joining the post:

Provided that the Government may, if think fit, in any case or class of cases, for good and sufficient reasons to be recorded in writing, extend the period of probation for another year:

Provided further that such period of probation shall not include;

- (a) extraordinary leave;
- (b) period of un-authorized absence, or
- (c) any other period held to be not being on actual duty.

(2) The appointment of a probationer may for good and sufficient reasons to be recorded in writing, be terminated by the Government at any time without previous

notice during the period of probation including extension of such period. if any, and after such termination, the employee shall deem to be reverted to his/ her former cadre/post, if he/she is a promotee.

(3) A probationer after completing the period of probation to the satisfaction of the Government shall be eligible for confirmation subject to the availability of substantive vacancy in the service.

**12. *Inter se* seniority.**—The *inter se* seniority of persons appointed to any post in the service in a recruitment year shall be in the order in which their names appear in the select list.

**13. Training and Departmental Examination:-** Every person, shall on appointment to the service, shall undergo such training and appear such Departmental examinations as may be decided by the Appointing Authority from time to time.

**14. Other condition of Service**—The conditions of service in regard to matters not covered by these rules shall be the same as are or as may from time to time prescribed by the State Government.

## **PART-V** **(Miscellaneous)**

**15. Relaxation:** When it is considered by the Government that it is necessary or expedient so to do in the public interest, it may, by order for reasons to be recorded in writing, relax any of the provisions of these rules in respect of any class or category of employees in consultation with the Commission.

**16. Interpretation-** If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

**17. Power to issue instructions.—** The Government may also issue executive instructions not inconsistent with the provisions of these rules as they may consider necessary to regulate the matters not specifically covered by the provisions of these rules.

By Order of the Governor  
MADHU SUDAN PADHI  
Principal Secretary to Government